



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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November 25, 2009

BY ECF

Honorable Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *United States v. Ideal Mortgage Bankers, Ltd. d/b/a Lend America,
and Michael Howard Ashley, No. 09-CV-4484 (JFB)(WDW)*

Dear Judge Bianco:

The United States respectfully submits this letter concerning the testimony of Julie Shaffer of the U.S. Department of Housing & Urban Development, which the United States will offer in support of its request for a preliminary injunction. For the reasons stated herein, the United States requests that the Court order that Ms. Shaffer's hearing testimony be preserved by transcription and video recording.

Ms. Shaffer will be on essential personal travel outside of the country starting December 2, 2009, and that she will therefore be unavailable to testify at the preliminary injunction hearing beginning December 8, 2009. The parties have conferred concerning Ms. Shaffer's unavailability, and the United States has proposed to perpetuate Ms. Shaffer's testimony on Tuesday, December 1, 2009, beginning at 10 a.m. Counsel for defendants have no objection to the United States' proposal. In the event that the parties have objections during Ms. Shaffer's testimony which the parties cannot resolve themselves, the parties would respectfully request that the parties be granted leave to seek such rulings as might be necessary from Your Honor or Magistrate Judge Wall.

The United States thanks the Court in advance for its consideration of this matter.

Respectfully submitted,

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